

# **Exhibit P**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,  
Plaintiff,

CIVIL ACTION  
NO. 1:CV 01-0725

vs.

COMMONWEALTH OF PENNSYLVANIA,  
NINTH JUDICIAL DISTRICT,  
CUMBERLAND COUNTY; CUMBERLAND  
COUNTY; S. GARETH GRAHAM,  
Individually, and JOSEPH  
OSENKARSKI, individually,  
Defendants.

(JUDGE YVETTE KANE)

Deposition of: DENNIS DRACHBAR

Taken by : Defendant

Date : April 28, 2003, 2:58 p.m.

Before : Emily Clark, RMR, Reporter-Notary

Place : Administrative Office of Pennsylvania  
Courts  
5034 Ritter Road  
Mechanicsburg, Pennsylvania

APPEARANCES:

DEBRA K. WALLET, ESQUIRE  
For - Plaintiff

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
BY: A. TAYLOR WILLIAMS, ESQUIRE  
For - Defendant Commonwealth of Pennsylvania  
Ninth Judicial District, Cumberland County

THOMAS, THOMAS & HAER  
BY: PAUL J. DELLASEGA, ESQUIRE  
For - Defendant Cumberland County

## STIPULATION

It is hereby stipulated by and between the respective parties that sealing, certification and filing are waived; and that all objections except as to the form of the question are reserved until the time of trial.

DENNIS DRACHBAR, called as a witness, being duly sworn, was examined and testified, as follows:

BY MR. DELLASEGA:

Q. Mr. Drachbar, my name is Paul Dellasega. I'm the attorney for the county in the lawsuit brought by Barbara Varner.

Have you ever testified previously, sir?

A. No.

Q. Even in court proceedings?

A. Oh. Yeah, in job related.

Q. Right. Have you ever been deposed?

A. No.

Q. For some reason if I ask a question you don't understand, will you please tell me you don't understand it? Then I will repeat it to your satisfaction.

A. Okay.

Q. How long have you been employed in Probation?

1 A. With Cumberland County? Or probation?

2 Q. Cumberland County.

3 A. Since '84.

4 Q. What's your current job title?

5 A. Probation officer II.

6 Q. How long have you been a PO-II?

7 A. I don't know what the date is.

8 Q. Were you a PO-II before Juvenile and Adult split?

9 A. No.

10 Q. Do you believe Barbara Varner and Gary Graham had an  
11 affair?

12 A. I don't know of any affair.

13 MR. MacMAIN: I'm sorry, could you speak up?

14 THE WITNESS: I said I don't know of anything.

15 BY MR. DELLASEGA:

16 Q. When did you first meet Mrs. Varner?

17 A. Oh, whenever she was employed I guess by Cumberland  
18 County.

19 Q. Do you recall her being employed by Children and Youth  
20 before coming to Probation?

21 A. I think I knew she was down there.

22 Q. Did you know her while she was at CYS?

23 A. No. No.

24 Q. Did you ever hear Mr. Graham speak of Mrs. Varner while  
25 she was at CYS?

1 have you ever observed Mr. Graham to sexually harass  
2 anyone?

3 A. I can't even refer back to the training. You know, I  
4 have no idea what the -- without having something in  
5 front of me spelling out, you know, whatever the sexual  
6 harassment policy would be, I mean, as a general  
7 answer, no, I haven't seen any.

8 Q. Okay. Well, let me ask you this. After receiving  
9 training do you have any understanding of what sexual  
10 harassment is as a consequence of that training?

11 A. Yeah, I would hope so.

12 Q. Okay. And what is your understanding?

13 A. You can't make inappropriate comments or so forth  
14 towards anyone.

15 Q. Using that understanding, have you ever seen Mr. Graham  
16 sexually harass any individual?

17 A. No.

18 Q. Specifically, Mrs. Varner?

19 A. No.

20 Q. Have you ever observed Graham to yell at Mrs. Varner?

21 A. No.

22 Q. To curse at Mrs. Varner?

23 A. No.

24 Q. To say anything sexually demeaning to Mrs. Varner?

25 A. No.

- 1 Q. To give Mrs. Varner arduous or burdensome assignments?
- 2 A. No. Well, again, I'm not -- as far as giving
- 3 assignments and so forth, I have no knowledge of that.
- 4 You know, I'm not aware of anything.
- 5 Q. Did you observe Graham to treat Mrs. Varner with
- 6 respect?
- 7 A. Yes.
- 8 Q. Did he treat her as a friend?
- 9 A. I think he treated her as an employee, as far as I
- 10 could tell.
- 11 Q. The same way he treated every other employee?
- 12 A. Yeah.
- 13 Q. Before Mrs. Varner lodged a complaint regarding
- 14 Mr. Graham's conduct, did you have any idea there was
- 15 any problem in that relationship?
- 16 A. None.
- 17 Q. Had you ever heard Mrs. Varner make a complaint about
- 18 Graham before --
- 19 A. No.
- 20 Q. -- she formally filed?
- 21 A. No.
- 22 Q. Had you ever heard her complain about trips she had,
- 23 commitment trips she took with Graham?
- 24 A. No.
- 25 Q. Did Mr. Graham appear to be her mentor?